APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/037,822	03/10/98	MOTOYAMA	S	25484.00643

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EXAMINER
WILLETT, S

ART UNIT	PAPER NUMBER
2756	4

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

	Application No. 09/037,822	Applicant(s) Motoyama	
Office Action Summary	Examiner Stephan Willett	Group Art Unit 2756	

☒ Responsive to communication(s) filed on *Mar 10, 1998* .

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____3_____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-22* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-22* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

 ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

 ☒ received.

 ☐ received in Application No. (Series Code/Serial Number) _____ .

 ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

 *Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____2_____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1.   Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers

have been placed of record in the file.

Specification

2.   The disclosure is objected to because of the following informalities: on page 4, line 18

"rooter 6" is not understood.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form

the basis for the rejections under this section made in this Office action:

> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention
> thereof by the applicant for patent.

4.   Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Moline et al. with

Patent Number 5,883,957.

5.   Claim 1 describes *reception means for receiving data containing time information* which

is disclosed as "MIDI file reader includes two subcomponents ... parser reads events in order from

track, each event of course includes event message and elapsed time descriptor" at col. 6, lines

44-48 in Moline et al. Claim 1 further describes *storage means for temporarily storing the data*

received by said reception means which is disclosed as "the result of this operation is an event,

which is then added to stored track in memory" at col. 6, lines 53-54 in Moline et al. Claim 1

further describes *judging means for judging from the time information contained in the data*

whether a predetermined time has passed which is taught as "MIDI stream generator generates

MIDI stream from stored track as follows: ... set the timer and wait for it to expire again" at col.

7, lines 10-20 in Moline et al. Lastly, claim 1 describes *starting the processing of the data*

temporarily stored in said storage means when said judging means judges that the

predetermined time has passed which is disclosed as "output event messages until either an event

is reached whose time stamp is greater" at col. 7, lines 15-16 in Moline et al..

6.   Claim 2 further describes *timer means for starting counting a time starting from time*

information derived from the data first received by said reception means and subtracted by a

delay time, wherein said judging means judges whether the time information in the data

temporarily stored in said storage means is later than the time counted by said timer means and

said processing means starts the processing of the data temporarily stored in said storage means

if said judging means judges that the time information in the data is later which is disclosed as

"MIDI stream generator keeps track of the last event that it output, the amount of time that has

actually elapsed since it began playing the track, and the total amount of time specified by the

elapsed time indicators in events played thus far" and "the delay varies .. the preferred

embodiment waits to begin [subtracts] playing track until enough of track has accumulated" (see

Moline et al. col. 6 and 11, lines 26-31 and 59-64), therefore, claim 2 is rejected.

7.   Claim 3 further describes *the data includes MIDI data* which is disclosed as "MIDI

controller may be modified to play a Format MIDI file" (see Moline et al. col. 5, lines 56-57),

therefore, claim 3 is rejected.

8.   Claim 4 further describes *the predetermined time is made variable in accordance with a*

storage capacity of said storage means which is disclosed as "that event occurs whenever a timer

set by MIDI stream generator runs out ... MIDI stream generator sets the timer to run out after an

interval" (see Moline et al. col. 6, lines 2-023), therefore, claim 4 is rejected.

9.   Claim 5 further describes *said reception means receives delay time information, and said*

judging means judges whether the predetermined time represented by the delay time information

has passed which is disclosed as "the amount of track that must be accumulated before receiver

begins playing the track is determined by a dely parameter set by the user of receiver" (see Moline

et al. col. 12, lines 1-3), therefore, claim 5 is rejected.

10.   Claim 6 further describes *the predetermined time is made variable in accordance with a*

distance to an access point where the data is received which is disclosed as "is received with a

delay which dependent upon the path(s) in Internet by which the packets carrying track are sent"

(see Moline et al. col. 11, lines 41-43), therefore, claim 6 is rejected.

11.   Claim 11 further describes *said reception means receives delay information, and said*

storage means stores the data by adding the delay time represented by the delay information in

the data which is disclosed as the "elapsed time descriptor specifies the time elapsed since the last

event message; time stamp contains the sum of the elapsed times in all of the time descriptors

from the beginning of the track to the current event" (see Moline et al. col. 6, lines 51-55),

therefore, claim 11 is rejected.

12.   Claims 7-10 and 12-22 are rejected based on the rational explained for claims 1-6 and 11

above due to the fact the components disclosed in the references above perform all the steps

described in claims 7-10 and 12-22.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure is disclosed in the Notice of References Cited.

14.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner

can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

15.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Frank Asta, can be reached on (703) 305-3817. The fax phone number for the

organization where this application or proceeding is assigned is (703) 308-5359.

16.   Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

August 16, 1999

FRANK J. ASTA
SUPERVISORY PATENT EXAMINER
GROUP 2700